

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

To be used for all correspondence after initial filing)

Application Number	10/765,427
Filing Date	January 27, 2004
First Named Inventor	Robert LaFave et al.
Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	POL.00011

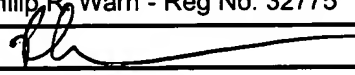
Total Number of Pages in This Submission 12

**ENCLOSURES (Check all that apply)**

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Petition to Make Special Under 37 CFR §1.102(D); Declaration of Robert LaFave; and Return Receipt Postcard |
|---|--|---|


Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Warn, Burgess & Hoffmann, P.C. Philip R. Warn - Reg No. 32775
Signature	
Date	April 13, 2004

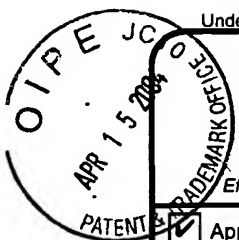
**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Philip R. Warn - Reg. No. 32775		
Signature		Date	April 13, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00

## Complete if Known

Application Number	10/765,427
Filing Date	January 27, 2004
First Named Inventor	Robert LaFave et al.
Examiner Name	To be assigned
Art Unit	To be assigned
Attorney Docket No.	POL.00011

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number: 501612  
Deposit Account Name: Warn, Burgess & Hoffmann, P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$ 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	= 0.00
Multiple Dependent	- 3** =	X	= 0.00
			= 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	** Reissue independent claims over original patent
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for <i>ex parte</i> reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	130.00
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00

## SUBMITTED BY

Name (Print/Type)	Philip B. Warn	Registration No. (Attorney/Agent)	32775	Telephone (248) 364-4300
Signature		Date	April 13, 2004	

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/765,427  
Filing Date: January 27, 2004  
Examiner: To be assigned  
Group Art Unit: To be assigned  
Applicants: Robert LaFave and Robert Bowling  
Title: DECORATIVE LAMINATE COMPOSITE AND METHOD  
Attorney Docket: POL.00011

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: The Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on April 13, 2004. By: [Signature]

**PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(D)**

The Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This is a Petition to Make Special the above-identified patent application. The grounds and conditions for granting this application special status are found in the Manual of Patent Examining Procedure § 708.02 II entitled "Infringement."

The Petition Fee required pursuant to Rule 1.17(h) is enclosed.

04/16/2004 MAHMED1 00000054 10765427

01 FC:1460

130.00 OP

As provided for in the Manual of Patent Examining Procedure § 708.02 II, Applicants agree to the special examining procedure detailed therein. In support of this Petition, Applicants submit the Declaration of Robert LaFave, a co-inventor of this application, alleging:

(A) That there is an infringing device or product actually on the market or method in use;

(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his opinion, some of the claims are unquestionably infringed; and

(C) That he has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.


The Applicants previously provided one copy of each of the references deemed most closely related to the subject matter encompassed by the claims in the Information Disclosure Statement submitted on March 24, 2004.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 501612. A duplicate copy of this letter is enclosed herewith for this purpose.

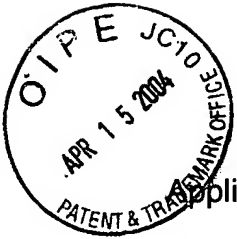
Respectfully submitted,

**WARN, BURGESS & HOFFMANN, P.C.**  
Attorneys for Applicant(s)

Dated: April 13, 2004

By:   
Philip R. Warn  
Reg. No. 32,775

P.O. Box 70098  
Rochester Hills, MI 48307  
Telephone: (248) 364-4300  
Fax: (248) 364-4285



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/765,427  
Filing Date: January 27, 2004  
Examiner: Not Assigned Yet  
Group Art Unit: Not Assigned Yet  
Applicants: Robert LaFave and Robert Bowling  
Title: DECORATIVE LAMINATE COMPOSITE AND METHOD  
Attorney Docket: POL.00011

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service, as first class mail, in an envelope addressed to: The Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on

April 13, 2004. By: [Signature]

**DECLARATION OF ROBERT LAFAVE**

The Commissioner for Patents and Trademarks  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

I, Robert LaFave, declare as follows:

(1) I am one of the Applicants in the above-indicated application, which covers, without limitation, thermoformable support films comprised of a material having a tensile strength greater than 0.5 pounds per linear inch (pli) at 300°F, wherein the support film is

operable to releasably adhere to and support a polymeric substrate during a thermoforming process, wherein the substrate is formed into an automotive component, and methods for making the same.

(2) It has come to my attention that one or more companies and/or individuals, including but not limited to, Guardian Automotive Corporation of Auburn Hills, Michigan, was causing automotive components to be made that were formed with thermoformable support films as recited in at least some of the claims of the above-indicated application, and, furthermore, was selling those same automotive components that were formed with thermoformable support films as recited in at least some of the claims of the above-indicated application. Accordingly, I believe that there is an infringing device or product actually on the market or method in use.

(3) The information contained in paragraph (2) is supported, in part, from my review of Defendant's Response to Laminate Products, Inc.'s First Set of Interrogatories Directed to Guardian Automotive Corporation and Guardian Industries Corp. (Macomb County Circuit Court (Michigan), Civil Action No. 03-2010-CK) (copy attached hereto). More specifically, the information contained in paragraph (2) was gleaned from Interrogatory Nos. 9, 10 and 11, reproduced below:

**INTERROGATORY NO. 9**

Identify by detailed description the processes being used by Defendants for products under a contract with DaimlerChrysler on a job known as RS Cargo Van Panel covers.

**RESPONSE TO INTERROGATORY NO. 9**

Defendants object to this interrogatory because the terms, "detailed description," "processes," and "being used" are vague and indefinite. To the extent Defendants understand this interrogatory, they answer as follows:

Defendants buy from Ameriform a laminated part that is vacuum-formed and trimmed to have the specified shape. Defendants add butyl, clips, and brackets to the part. Then Defendants sell the part to DaimlerChrysler.

Ameriform buys blank laminated sheet from Avery Dennison, and Ameriform vacuum-forms and trims the sheet before selling it to Defendants.

Avery Dennison is responsible for supplying the blank laminated sheet to Ameriform. The blank sheet included a paint film layer made by Avery Dennison, an ABS layer made from resin from Bayer Polymers that is extruded by Spartech, and a mask from a Japanese manufacturer.

The mask was a flouropolymer mask from a Japanese company called Asahi. Avery had been aware of this mask for some time before its involvement with the RS program, and selected the mask on its own with no input of any kind from Guardian as to the characteristics of any mask from LPI. Guardian has directed that Avery no longer use this mask; and it is likely that any future manufacturing for the RS program will be with a Soliant mask having the designation, "Version 8." Soliant reports that this mask has been in existence for several years.

Avery causes the layers to be laminated at Positron. After the layers are laminated at Positron, they are sent on as a single blank sheet to Ameriform.

#### INTERROGATORY NO. 10

Identify by detailed description the processes being used by Defendants for thermoformable glossy scratch resistant topcoats on Olefin based/co-polymer substrate.

#### RESPONSE TO INTERROGATORY NO. 10

Defendants object to this interrogatory because the terms, "detailed description," "processes," and "being used" are vague and indefinite. Defendants understand the term, "being used," to mean "in commercial use – i.e. selling." To the extent Defendants understand this interrogatory, they answer as follows: none. Defendants use an ABS substrate, not an olefin based/copolymer substrate.

#### INTERROGATORY NO. 11

Identify by detailed description the processes being used by Defendants for thermoformable glossy scratch resistant topcoats on ABS substrate.

#### RESPONSE TO INTERROGATORY NO. 11

Defendants object to this interrogatory because the terms, "detailed description," "processes" and "being used" are vague and indefinite. Defendants understand the term, "being used," to mean "in commercial use – i.e. selling." To the extent Defendants understand this interrogatory, they answer as follows:

Defendants buy from Ameriform a laminated part that is vacuum-formed and trimmed to have the specified shape. Defendants add butyl, clips and brackets to the part. Then Defendants sell the part to DaimlerChrysler.

Ameriform buys blank laminated sheet from Avery Dennison, and Ameriform vacuum-forms and trims the sheet before selling it to Defendants.

Avery Dennison is responsible for supplying the blank laminated sheet to Ameriform. The blank sheet included a paint film layer made by Avery Dennison, an ABS layer made from resin from Bayer Polymers that is extruded by Spartech, and a mask from a Japanese manufacturer.

The mask was a fluoropolymer mask from a Japanese company called Asahi. Avery had been aware of this mask for some time before its involvement with the RS program, and selected the mask on its own with no input of any kind from Guardian as to the characteristics of any mask from LPI. Guardian has directed that Avery no longer use this mask; and it is likely that any future manufacturing for the RS program will be with a Soliant mask having the designation "Version 8." Soliant reports that this mask has been in existence for several years.

Avery causes the layers to be laminated at Positron. After the layers are laminated at Positron, they are sent on as a single blank sheet to Ameriform.

(4) I have made a rigid comparison of the alleged infringing device, product, or method with the claims of the above-indicated application, and that, in my opinion, some of the claims are unquestionably infringed.

(5) In support of the assertion of paragraph (4), it is my belief that the Asahi fluoropolymer mask referred to in the Defendant's Response to Interrogatory No. 11 is identical to, or at least equivalent to, the fluoropolymer support films disclosed in the Applicants above-identified application, e.g., TEFZEL and/or AFLEX, the relevant portions of which are set forth below:

[0246] By way of a non-limiting example, the alternative support film 110 is preferably comprised of ethylene-tetrafluoroethylene materials (ETFE), such as but not limited to TEFZEL, an ETFE material readily commercially available from DuPont (Wilmington, Delaware).

[0247] By way of a non-limiting example, the typical mechanical and thermal properties of a film of TEFZEL material are set forth in Table III, below:



**TABLE III**

<u>Property</u>	Test Method (ASTM)	Typical Value	
		SI Units (Machine Direction/ Transverse Direction)	English Units (Machine Direction/ Transverse Direction)
Tensile Strength at Break	D-882	234/48 Mpa	34,000/7,000 psi
Elongation at Break	D-882	45/650%	45/650%
Elastic Modulus	D-882	73,500/900 Mpa	500,000/130,000 psi
Tensile Creep (3,000 psi/1000 hr)	----	0.8/8.0%	0.8/8.0%
Tear Strength (Prop.)	D-1922	10.5/2.3 N	2.3/0.5 lb
Impact Resistance	D-3420B	66J/mm	14.8 in-lb/mil
Melt Point	DTA	270°C	520°F
Service Temp. (Cont.)	----	150°C	300°F
Oxygen Index	D-2863	30%	30%
Dimensional Stability – Type M 105°C (221°F) 150°C (302°F)	DuPont	4.0/1.2% 4.0/1.2%	1.0/1.2% 1.0/1.2%
Shrinkable 200°C (392°F) (Heat Shrink Type)	----	23/7%	23/7%

[0248] Another ETFE material is marketed under the trade name AFLEX, and is readily commercially available from Asahi Glass Company, Ltd. (Tokyo, Japan). By way of a non-limiting example, the typical properties of a film of AFLEX material are set forth in Table IV, below:

**TABLE IV**

Property	ASTM	Conditions	Value
Specific gravity	D-792	----	1.70-1.76
Refractive Index	D-542	Np	1.40
Absorption	D-570	24 hours	<0.1 %
Molding shrinkage	----	----	0.02-0.03
Contact angle	----	Water	96°
Coefficient of linear expansion	D-69	23-60°C	(5-9) X 10E-4 1/°K
Melting point	----	----	500°F
Melting viscosity	----	300-330°C	10E-4 1.00E-05 Poise
Maximum cont. temp.	----	----	302°F
Tensile strength	D-638	73°F	5.8-7.0 Kpsi
Elongation	D-638	73°F	34%
Tensile modulus	D-638	73°F	71-110 Kpsi
Flexural modulus	D-790	73°F	128-199 Kpsi
Impact test	D-256	73°F Izod	No break Ft-lb/in
Hardness	D-638	Durometer	Shore D75

(6) I had previously caused INSTRON testing to be performed on the fluoropolymer support film materials disclosed in the Applicants above-identified

application, as well as several other conventional films and masks, to determine the tensile strengths thereof, the results of which were set forth in the Applicants above-identified application, the relevant portions of which are reproduced below:

[0377] To determine the tensile (i.e., yield) strength of the various materials of the present invention, as compared to conventional materials typically used in thermoforming operations, INSTRON testing was conducted on several samples, as set forth in Table V, below. The samples were cut into 1-inch x 6-inch strips that were cut in the flow direction. The test temperature was 300°F. The crosshead speed was 20 inches per minute. The grip distance was 2 inches. All of the following measurements were obtained in the machine direction.

**TABLE V**

Sample	Yield Strength PSI (PLI)	Elongation @ Yield %	Break Strength PSI (PLI)	Elongation @ Break %	Break Result
Soliant 1 mil sample release film #1	245 (0.245)	25	>591 (>0.591)	>411	No Break
Soliant 1 mil sample release film #2	285 (0.285)	35.8	>693 (>0.693)	>419	No Break
Kurz 1 mil sample release film #1	371 (0.371)	34	>1678 (>1.678)	>418	No Break
DuPont (TEDLAR) 1 mil support film sample #1	819 (0.819)	41	>2097 (>2.097)	>402	No Break
DuPont (TEDLAR) 1 mil support film sample #2	788 (0.788)	45.3	>1573 (>1.573)	>412	1 of 3 Broke
Combined Soliant sample release film #1 and DuPont (TEDLAR) support film sample #1 (1.5 mil total)	625 (0.94)	47	>1630 (>1.630)	>418	1 of 3 Broke
Combined Soliant sample release film #2 and DuPont (TEDLAR) support film sample #2 (1.5 mil total)	613 (0.92)	51	>1534 (>2.301)	>419	1 of 3 Broke
DuPont (TEFZEL) 0.5 mil support film sample #1	2198 (1.10)	43.6	1701 (0.851)	217	Break
DuPont (TEFZEL) 0.5 mil support film sample #2	2602 (1.3)	52.5	2252 (1.126)	191	Break

(7) It is my belief that because Guardian Automotive Corporation has admitted to causing automotive components to be made that were formed with thermoformable support films as recited in at least some of the claims of the above-indicated application, and, furthermore, was selling those same automotive components that were formed with thermoformable support films as recited in at least some of the above-indicated application, Guardian Automotive Corporation, and possibly other companies and/or individuals, are actually infringing at least some of the claims of the above-indicated application.

(8) I have made, or caused to be made, a careful and thorough search of the prior art or, in the alternative, I have a good knowledge of the pertinent prior art. A copy of each of the references deemed most closely related to the subject matter encompassed by the claims of the above-indicated application, were submitted in conjunction with an Information Disclosure Statement that was mailed to the U.S. Patent and Trademark Office on March 24, 2004.

I declare that all statements made herein are true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such false statements may jeopardize the validity of this document and of the patent application to which it relates.

Signed at Kingston Michigan, this April 8<sup>th</sup> day of April, 2004.



Robert LaFave